

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JIMMIE STRONG II and
SHANNON COLE,

Defendants,

NO. CR 06 5308FDB

STIPULATED MOTION AND
ORDER FOR CONTINUANCE OF
TRIAL DATE

The Defendants herein, Jimmie Strong II and Shannon Cole, by and through their attorneys, Charles A. Johnston and John Crowley, hereby moves that the pre-trial conference presently scheduled for August 25, 2006, and the trial presently scheduled for August 28, 2006, be vacated, and that the pre-trial and trial be rescheduled for a date sometime in November 2006.

The above request for continuance is being made as the Government's investigation in this matter is ongoing. A new suspect is being investigated and the Government may be close to indicting this individual. The ongoing investigation is creating new

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1 discovery. That more time is necessary for a full and complete investigation into this matter and
2 for the defense to have time to review and analyze the developing discovery. The Defendants
3 ask for a new pre-trial and trial date in mid November. The Defendants have waived their right
4 to a speedy trial.

5 The Defendants believe that the ends of justice would be served by a continuance of the
6 trial in this matter.

7 DATED this _____ day of August, 2006.

8 By: _____
9 CHARLES A. JOHNSTON
10 Attorney for Defendant Cole
WSBA No. 9058

11 *Telephonically Approved:*
12 *August 17, 2006*

13 By: _____
14 JOHN CROWLEY
15 Attorney for Defendant Strong
WSBA No. 19868

16 *Telephonically Approved:*
17 *August 17, 2006*

18 By: _____
19 DOUGLAS J. HILL
20 Special Assistant United States Attorney

21 ORDER

22 Before this Court is a stipulated motion for continuance of the pre-trial conference
23 presently scheduled for August 25, 2006, and trial date presently scheduled for August 28,
24 2006. After a consideration of all relevant information and the circumstances of this case, the
25 Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests
of the public and the Defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pre-trial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).


4. Taking into account the exercise of due diligence, a continuance is necessary to allow the Defendants the reasonable time for effective preparation of their defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

NOW THEREFORE,

IT IS HEREBY ORDERED that the trial date is continued from August 28, 2006, to November 6, 2006. The resulting period of delay from August 28, 2006, up to and including the new trial date of November 6, 2006, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

Pre-trial conference shall be on October 27, 2006.

IT IS SO ORDERED this 24th day of August, 2006.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

Presented By:

CHARLES A. JOHNSTON
Attorney for Defendant Cole
WSBA No. 9058

Telephonically Approved:
August 17, 2006

JOHN CROWLEY
Attorney for Defendant Strong
WSBA No. 19868

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DOUGLAS J. HILL
Special Assistant United States Attorney

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